



## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

10<sup>th</sup> May 2005

<b>DSDS3</b>	<b>DEMOLISH EXISTING DWELLING AND ERECT TWO STOREY DWELLING AND GARAGE – LOT 20 DP 870912 NO 5 WILSON STREET, ARAKOOK</b>
	<b>FILE: T6-04-127      DJW</b>

### **SUMMARY:**

Reporting on a request to modify a Development Consent for a two (2) storey dwelling for which an objection has been received.

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**Applicant:** Mr Michael Saunders  
**Subject** Lot 20 DP 870912 No 5 Wilson Street,  
**Property:** Arakoon  
**Zone:** 2(a) Residential Zone

### **Background**

At its meeting of 25 May 2004 Council resolved to grant an approval for demolition of an existing dwelling and erection of a two storey dwelling and garage on the subject land. The plans submitted with the application complied in all respects with DCP 22 except for site coverage. Council subsequently received a complaint that the dwelling was not being constructed in accordance with the approved plans. [\(Appendix F\)](#) Apparent modifications to the approved plans included:

- Increased height
- Enlarged first floor window on the western elevation
- Additional window in the garage
- Zinalume rather than colourbond roof
- Other minor modifications including handrails and door locations.

The owner was requested to stop work on 22 October 2004 and followed up with a Notice of Intention to Serve and Order dated 11 November 2004. A written response from the owner was submitted to Council on 22 November 2004. [\(Appendix G\)](#)

In an effort to precisely ascertain the existing and altered site levels relative to the dwelling as constructed and modifications to the development, four modified sets of architectural drawings have been submitted to Council on the following dates, 3 November 2004, 14 January 2005, 4 February 2005 and 22 April 2005.

The applicant failed to stop work and amend the architectural plans to comply with DCP 22 requirements and obtain Council approval before proceeding with the construction of the dwelling. Reasons for their actions are outlined in the justification letter from Hadlow Design Services. Mark Rogers and Associates Surveyor Report dated 19 April 2005 indicates the dwelling's northern elevation top plates exceed the required 6.2 metres by 80 mm. The additional 1.7 metre height permitted for raked ceiling with lining fixed to the rafters measured at the apex exceeds the required 7.9 metres by 375 mm. [\(Appendix H\)](#)

The applicant submitted revised plans and written justification showing a ceiling at the height of 7.9 metres fixed to the raked ceiling believing this met the DCP 22 requirements. However, the concession only applies if the lining is fixed to the raked rafters. This approach misled the applicant and builders into believing the building would comply with the ceiling height requirements of DCP 22. [\(Appendix I\)](#)

### **Section 79c(1)(e) – Advertising**

The proposal was advertised in accordance with Council's Policy with one objection received. [\(Appendix J\)](#)

<b>Objection</b>	<b>Planning Comment</b>
1 Height off the ground	1 The wall height on the southern boundary complies with DCP 22. The raked ceiling height exceeds the maximum height of 7.9 metres by 375 mm however, it is considered it has minimal adverse impact on the adjoining property.
2 Overshadowing of adjoining	2 Shadow diagram prepared by

property.	Hadlow Design Services shows compliance with Clause 4.7.1 of DCP 22.
3 Glare from Roof	3 The zincalume roof has the potential to impact on adjoining properties as a result of glare. However, Technical Bulletin TB28 – Building Materials and Reflectivity indicates that reflectivity is determined by gloss levels and not colour. Whilst the zincalume roof would create a perception of glare, actual glare compared to the original approval colourbond would be minimal.
4 Easement to Drain Sewage over existing line of pipes.	4 Adequate setbacks to the sewer pipe have been maintained. Owner of 5 Wilson St (Saunders) is to provide access to the owner of 7 Thomas Lane (Tunningley) to do maintenance on the sewer line.
5 Loss of Privacy	5 The applicant proposes to provide a privacy screen to prevent overlooking from the deck. It is considered the additional garage window will have minimum impact on privacy when frequency of use is considered and 1.8 metre fence erected.  Enlarged first floor window overlooks Thomas Lane to the west and not to the south (Tunningley property).
6 Plans/Section AA does not correspond to building as	6 Levels provided by Mark Rogers and Associates

built.	provide actual ground levels which indicated marginal non-compliance with height limits.
7 Dwelling Constructed.	7 Nothing prevents Council from consenting to the modified building.

**REPORT IMPLICATIONS:**

- ***Environmental***

***There will be minimal environmental impacts from the proposed development.***

- ***Social***

***The proposed development will bring beneficial social impacts to the area.***

- ***Economic (Financial)***

***There will be minimal economic benefit from the proposed development.***

- ***General Managers or Directors Review***

***That Council consider approving the minor variations to ceiling and ridge heights in the modified plans in the instance due to the circumstances of the case outlined in the body of the report. It is further recommended that the Modified Development Application and Construction Certificate be approved subject to the original conditions and additional conditions.***

**Conclusion**

The proposed modifications would result in an exceedance of Council's height which will not result in any adverse impacts on any neighbouring property. Lowering the top plate by 80 mm and the upper ceiling by 375 mm to comply with DCP 22 would involve a major expense which, relative to the impacts would be difficult to justify. Proposed alterations to windows would not result in any adverse impacts on privacy and there is likely to be minimal impacts from glare relative to the originally approved colourbond roof.

**RECOMMENDATION:**

- A** That the Application to Modify Development Application T6-04-127 dated 19 November 2004 be approved.
- B** That the objector be advised of Council's decision in this matter.

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**R B Pitt**  
**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**